

claims of suit

- claim (1) The F.Bop inmate Discipline Process is operating UNCONSTITUTIONALLY AND being Abused in An Arbitrary Capricious, Discriminatory And or Retaliatory manner Placing Gorbey & other Prisoners in imminent dangers
- claim (2) The F.Bop inmate Administrative Remedy Process is operating UNCONSTITUTIONALLY Forclosing ON Prisoners Rights To Access To Courts AND or Subjecting them To subHuman Conditions AND imminent dangers
- claim (3) The F.Bop inmate legal mail system is operating UNCONSTITUTIONALLY Forclosing ON Prisoners Rights OF Access To Courts subjecting them To subHuman Conditions AND Imminent dangers
- claim (4) The F.Bop Failing To Keep Gorbey safe AND or Denying Him the Right To self defense is UNCONSTITUTIONALLY Violating His 2nd, 5th, 8th & 14th Amendments While subjecting me To Imminent dangers
- claim (5) F.Bop Policy is being ignored or Disregarded UNCONSTITUTIONALLY subjecting Gorbey To clear subHuman Conditions AND Imminent dangers
- claim (6) The F.Bop Urinealysis Drug Field tests Are being UNCONSTITUTIONALLY Conducted Violating Gorbey's Rights AND subjecting Him To Prejudices

Grounds For Relief

claim (1) The F.Bop inmate Discipline Process is operating UNCONSTITUTIONALLY, being Abused in an Arbitrary Capricious, Discriminatory and or Retaliatory manner Placing Gorbey & other prisoners in clear imminent Dangers.

Supporting Facts

F.Bop Program Statement 5220.09 inmate Discipline Process CFR § 541.4. To § 541.8 Provides specific standards in disciplining inmates which is govern by 18 or 28 USC § 4042 clearly providing that such Process is NOT to operate in any Arbitrary, capricious, Discriminatory or Retaliatory manner.

However, The inmate Discipline Process is (more often than not) being abused & misused by F.Bop staff to attack & punish inmates like Gorbey unjustifiably to cover up other serious threatfull Events like inmate assaults and to retaliate on Gorbey for filing complaints of staff misconducts on F.Bop Employees. and often subjecting Gorbey to imminent dangers. see Gorbey's inmate Discipline chronology Report listing some 25 incident Reports in some 13 years at various institutions across the country where staff have abused or misused Discipline Process against him and then his due Process rights were violated, deliberately by F.Bop UDC, and DHO staff hearing officers, to knowingly subject Gorbey to loss of good time, loss of privileges and a list of other sanctions, where no timely or reasonable Complaint or Appeal Process is available forcing Gorbey to suffer the sanctions. see Examples

Example (1) IN A Prior Discipline Action AT USP Terre Haute Indiana. Unit Team staff were deliberately misscoring Gorbey's Custody Points to (make him) USP Eligible While knowing He could NOT walk the yard so as to Abuse use of Discipline Process on him & sanctions for seeking P.C. where. in A maliciously Abused Application of this incident Report sent to DHO for greater sanctions & loss of good time. The Facility Warden Marberry. Appointed Gorbey's Case manager MR. English (Whom was the one deliberately Jacking up Gorbey's Points (causing) the issues at hand!) As Gorbey's Staff Rep. & Whom (Told the DHO) Gorbey was guilty (causing) A conviction & loss of 14 days good time & other sanctions!

Example (2) IN A Prior Discipline Action AT USP McCreary Ky. Gorbey got intangled with 3 other people in regards to AN incident Report over alleged phone abuse. And yet, the person (causing) the incident Report went home undisciplined & left Gorbey & 2 others hanging where. the DHO (retaliating for Gorbey's Filings) only gave the other 2 inmates (one of which already had other incident Reports that year) A 300 level conviction & 90 days loss of phone. While Gorbey received A greater 200 level conviction with 27 days loss of good time & 90 days loss phone. Commissary & visits.

Example (3) IN A Prior Discipline Actions AT USP Lee VA. A staff member LT. Bowles, (known for) fabricating discipline charges on inmates, brought some 8 yes! (Eight) discipline charges on Gorbey in 30 days, > of which were later over turn (after) Gorbey serve the sanction due to facts being established that LT. Bowles Had.

infact Repeatedly lied & Abused use of the Discipline Process.

Example(4) In A more recent Prior Discipline Action AT F.C.I. Cumberland md. 3287668 staff Abused use of the Process charging Gorbey For Fighting Where. Staff Fail To Keep Gorbey safe, (watched & allow) 2 inmates (with) weapons, attempt to seriously assault or kill Gorbey in His cell on 7-31-19 & Gorbey only used the less means of defense possible. simple pushes to Exit the threatfull cell, where DHO Huff, sanctioning Gorbey 28 days loss of good time & 180 days loss of Privileges. claim that the F.Bop does not Recognize self defense & regardless if staff Fail to keep him safe. Gorbey was (obligated) to suffer the serious assault or death, concerning Where, not 2 months prior AT F.C.I. Cumberland md. Another D.C. state Prisoner like Gorbey, Mr. Lumpkin a member of Gorbey's native Religious Community, was Attack in His cell by 2 muslims with weapons and Had His Head crushed & was still in the morgantown w.v.a. Hospitl intensive care unit when Gorbey was Transfer From Cumberland in Oct. 2019. And (Proof) that such serious Assaults & threats of death were occurring AT F.C.I. Cumberland. For which Gorbey is still Fighting in Dist. Court Baltimore. md. 1:19-cv-2530-RDB. To no Avail As of yet!

Example(5) Recently, on 3-16-20, Gorbey was Again Attack by inmates in His cell. this time AT F.C.I. Estill, S.C. Unit C-A cell 224. Around 11:00 am. (while) staff (stood & watched) doing nothing to Protect Gorbey and when Gorbey sounded His cell alarm & muscle His way out the cell, (After) being assaulted & inmates

Having Thrown STUFF ON Him, UNIT Staff Retaliating For Gorbey Having Filed misconduct Complaints ON that verry Staff (masro) Just one week Prior. Error Process Gorbey on A False intoxication charge To Cover up the Assault. being A clear threat To Gorbey's safety, see Report #

Discipline Hearings & officers. Violations

- (1) DHO staff are Abusing use of Administrative Detention To deter inmates From calling Witnesses or seeking Staff Reps. The DHO Will let us sit for 30 days or so & then call us For a Hearing (Without) our Staff Rep. or Witnesses & ASK if We Want to Proceed Without them. & if We say NO! We Want them The DHO Will Have us placed back in Administrative detention For weeks or months more. see incident 3211576 where Gorbey sat some 75 days. Administrative Detention before. Finely being seen by DHO A clear Abuse or misuse of Administrative Detention To deter inmates From seeking Staff Reps & Witnesses.
- * (2) The Discipline & Admin. Remedy Process seperate or Together Are both UNCONSTITUTIONAL Here As When A DHO staff is violating our Rights. We Have NO Reasonable Way to Address it.
- (a) While Policy Allows the Warden To Address Complaints At the local level informally (via) Bp8, Bp9. ANY such Complaint gets Rejected Errorly Telling us We must File DHO Complaints To the Region (via) Bp10 However. if We File ANY Bp10 Regional Complaint (Prior to) the DHO Hearing & issuing of A DHO Report (Which ANY Complaint then cannot fix already suffer damages)

that Complaint is also Rejected, leaving us absolutely (no way) to Proper - Timely Address Pre-Hearing misconducts by ANY DHO Staff. Making the Process to be UNCONSTITUTIONAL

- (3) DHO Staff are Commonly Denying or Refusing us Staff Reps. Witnesses AND or Evidence for our Defense AND or are Allowing or Even Encouraging Staff Reps that are Selected or Appointed to do Nothing for our Defense. see.

Example.

ON 3-16-20 Gorbey Received an incident report AT FCI Estill. For a bogus intoxication charge in attempt to cover up Staff misconducts AND inmate assault.

Gorbey inform Estill staff AT his UPC Hearing that he wanted witnesses. DR. Lepioni; LT. Shaffield; LT. Bennett AND Counselor Levant. & that he wanted a Staff Rep. Mrs. A. Wallace. AND Evidence of his Pending medications 800 ibuprofen. latanoprost glaucoma eye drops. 4 solinium sulfated lotion. AND medical conditions Hypoglycemia. Hypertension & High Blood Pressure. yet. Before Gorbey was seen by DHO AT Estill he was transfer to USP Lewisburg PA.

Where (without Even asking Gorbey) USP Lewisburg. Warden Spaulding, (voided) Gorbey's Request for Staff Rep. Mrs. Wallace. Note

if Wallace was unavailable since Gorbey was now AT Lewisburg. The DHO or UPC AT Lewisburg should have afforded Gorbey opportunity to select

Another staff Rep. of His choice. Which He would have Requested Mrs. Brockman of Psychology, USP Lewisburg. yet. instead of Affording Gorbey His Due Process Right. Warden Spaulding simply Appointed A staff Rep. of (His choice) & MR. King. whom openly (Refuse) to do anything for Gorbey. see Exhibit (1)

DHO Proceedings ON 4-29-20.

ON 4-29-20 ABOUT 11:00 AM A MR. KING APPEAR AT Gorbey's Cell Door G-UNIT Cell 116 Explaining that He. King, Had been Appointed by the Warden as Gorbey's staff Rep. and that in A Few minutes) the DHO Hearing would be conducted!

Gorbey objected. 1st to MR. King's Appointment & 2nd to Any such DHO Hearing that day. As Gorbey Explain to MR. King that He needed His staff Rep. to collect Witness statements and Evidences now beyond Gorbey's Reach at FCI Estill and on File at FBOP medical departments.

yet. MR. King openly & Blatantly (Refused) to Assist Gorbey. Arguing that As staff Rep. He was only required to stand beside Gorbey at the DHO Hearing, openly violating Gorbey's Due Process Rights see. P.S. 5270.09 CFR 541.5 to 541.8.

Duties of staff Reps. to speak with Witnesses collect statements from those unable to appear at the Hearings. and to collect valuable Evidence beyond the inmates Reach. see. Exhibit (1) Copy of Witness statement by Gorbey's Cellie MR. Cook #64065-056 whom personally witness this Exchange

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between Gorbey and MR. King on 4-29-20, and later
 DHO chambers allow this & convicted Gorbey Arbitrarily.

Where. Then promptly after the Exchange with MR. King,
 Gorbey was usher to the DHO Hearing before DHO MR.
 chambers whom smart mouthedly told Gorbey, He
 the DHO was (not allowing) Gorbey any medical
 witnesses or records to (Pit) against Nurse Ulmer's
 false statement in the incident report, that to
 him, chambers. What Ulmer said was (Final) leaving
 Gorbey (no way to defend himself!) violating due
 process and. That, He chambers, did not care if
 the staff rep. did nothing. He chambers was not
 allowing Gorbey any of his witnesses, that He
 chambers was gonna contact Fox Estill LT.

Shaffield only to see what He saw upon reviewing
 the cameras & if Shaffield said anything other
 than what Gorbey said. (Gorbey) was gonna pay the
 devil for this incident report! Simply & completely
 violating Gorbey's due process rights and openly
 (threatening) Gorbey! Proof that these FBOP Discipline
 Processes are UNCONSTITUTIONAL & Capricious.

- (4) DHO Reports Required to be issued within 15
 calendar days to allow reasonably timely appeal are
 being delayed unreasonably sometimes up to as
 much as 6 months (preventing) prisoners any appeal!
 Forcing them to suffer sanctions, which has
 happen to Gorbey multiple times in the FBOP on
 charges He was actually innocent of forcing him
 to suffer all sorts of sanctions. disciplinary seg.
 loss of bed matrice, loss commissary - PPhone,
 E-mail & visits all & more before He even got ANY

chance to appeal and then making appeal unable to provide relief. A clear abuse & misuse of the discipline process by F.Bop staff making the process to be UNCONSTITUTIONAL. AS APPLIED.

claim (2) The F.Bop Administrative Remedy Process is openly operating UNCONSTITUTIONALLY FORCLOSING ON PRISONERS RIGHTS OF ACCESS TO COURTS AND OR SUBJECTING THEM TO SUBHUMAN CONDITIONS AND OR IMMINENT DANGERS

SUPPORTING FACTS

- (a) IN light of this claim section 42 USC § 1997 e(a) the PIRA Exhaustion Rule is UNCONSTITUTIONAL AS WELL ALLOWING F.Bop staff A method of impeding valid COURT ACTIONS by Prisoners impeding court Access.
- (b) The F.Bop Administrative Remedy Process is A 5 Step Process & 42 USC § 1997 e(a) makes it A CONST. Right.
 - (1) Raising An issue with staff verbally or (via) Cop-out
 - (2) Filing A Bp8 Informal Complaint which is Required by Policy to be Answer within 5 ~~calendar~~ ^{work} days work days
 - (3) Filing A Bp9 Formal Complaint which is to be Answer within 20 days allowing An additional 20 Day Extension Available.
 - (4) Filing A Bp10 Regional Appeal to be Answer within 30 Days with A 30 Day Extension Available.
 - (5) Filing A Bp11 Central office appeal to be Answer within 40 days with A 40 Day Extension Available

* Policy Provides 1330.11 that if AT ANY stage of the Remedy Process, A Response is NOT Afforded within the Time Prescribed by Policy, the inmate

may construe that as a denial and proceed to the next level of appeal.

However, that process of Policy is NOT allow by F.Bop Facility or Regional staff and any appeal at any level taken (without) enclosing a copy of a response from below automatically gets rejected. Even appeals on no response being provided from below.

This allows F.Bop staff to impede exhaustion of the remedy process & impeding access to court.

(a) Bp8 Informal Remedies

Staff refuse to issue them impeding access. They refuse to issue more than one impeding access on other important issues as only one issue can be raised on each form and therefore violating policy which provides that the informal process is NOT to operate to impede formal filing. Staff fail or refuse to respond to Bp8's impeding formal filing and a list of other misconducts are implicated by staff which impede exhaustion of the remedy process making it UNCONSTITUTIONAL.

(b) Bp9 Formal Filing, Warden level Complaints

Policy provides that some formal complaints such as medical, Emergency or misconduct complaints are NOT to be rejected, yet for many error reasons they commonly are.

Policy provides 20 days for a response design to start, the day the inmate submits his complaint yet (staff) do not consider it filed until they

decided to key it in the computer some times delaying the process for weeks or more & (some times) impeding it entirely if they never key it in, and then responses are delayed delivery unreasonably, often until any time for appeal has already expired that can only be cured by a staff letter-head explaining that delays are beyond inmate control, which often is available (less than) the Easter Bunny!! And staff commonly return Bp9 & Bp10 responses through institutional mail that staff (know) have appeal times already expired so the inmate will have (no way) to prove the date of delivery & therefore unable to obtain any letter head. To preserve their rights to appeal and/or exhaustion all & more simply making the remedy process to be unconstitutionally applied.

(c) Bp10 Regional level Appeals

Policy provides a 30 day time for response from the day the prisoner submits the appeal. yet, FBOP (staff) do not consider it filed until the day they key it in to their systems. which is often delayed unreasonably see.

Bp10 Appeal to incident report 3287668.. Gorbey was 1st delayed receiving the DHO report well over 15 days.. impeding appeal while he served sanction. and then he finally obtain the DHO report and filed his Bp10 appeal in October 2019.. yet it was not until March 3, 2020 nearly (5 months later) before the appeal was ever keyed into the system which produced a response time (with extension) of December 28, 2019 (already expired) by some

3 months before the Appeal was Even Keyed into the system! Where. All of Gorbey's sanctions Except the loss of good Time had Already been suffered & Expired (before) His Appeal Ever Even got Keyed into the system, making the Process to be clearly UNCONSTITUTIONAL. And then the Bp10 was NOT Responded to UNTIL March 23, 2020 by Hostile Regional Staff Siro. That Gorbey Has Filed & sued before For misconducts. Whom Retaliating, Deny Gorbey Entitled Relief, Where Gorbey Was Attack AT FCI Cumberland md. by 2 inmates With Weapons in His Cell While Staff looked on & Fail to Keep Him safe. yet staff then later abuse Process on Gorbey for Fighting When He simply Push the inmates to defend Himself and to Exit the cell. see.

Tsotie vs. Garrett 409 Appx 262 (2010)

Rodriguez 508 F.3d 616-17

F.Bop staff Have 8th Amendment obligation to Keep Prisoners safe. and.

All us Citizens Have 2nd Amendment Right to self Defense (Especially) through the CONFRONTATION clause. see 14th Amendment Equal Protection.

Where. Gorbey Did NOT Recieve this March 23, 2020 Denial of His OCT. 11, 2019 Appeal UNTIL April 15, 2020 and then Was Denied Postage AT FCI ESTILL and Delayed Filing His Bp11 Appeal UNTIL He could do so AT USP Lewisburg PA. on April 22, 2020. some (one Day) before the Bp11 Appeal Time Expired (Which includes mailing time!) AS the F.Bop Does NOT offer or Honor Any Prisoner

mail box Rule while Lewisburg staff refused Gorbey any letter head, clearly making the Remedy Process to be UNCONSTITUTIONAL. AS APPLIED.

(d) Bp11 Central office Appeals.

Gorbey Has Had some Bp11 Appeals delayed AS much AS up to 24 months. yes! (Twenty Four) months several Have been delayed up to 18 months and most Are delayed 6 months or better. making the process and or the Exhaustion Requirement to be UNCONSTITUTIONAL. Forcing us To suffer Damages.

claim (3) The F.Bop inmate legal mail system is operating UNCONSTITUTIONALLY For closing ON Prisoners Rights OF Access to Courts AND or subjecting them To subHuman conditions and or imminent dangers

Supporting Facts.

Bop Policy Provides that Courts are Among the list of offices that Automatically Qualify AS legal. yet. F.Bop staff Are demanding that Courts Comply With legal mail standards Require by Attorneys.

- (a) To Place a Persons Actual Name on the Front Envelope
- (b) To clearly Provide their occupation. where ESQ. or clerk ~~or court~~ IS NOT Enough.
- (c) To Provide A Return Address.
- (d) To list (legal or special mail)
- (e) To list (open only in presence of the inmate)

All on the Front of the Envelope, otherwise the mail gets Treated AS general correspondence And. open outside the Prisoners presence. sensor.

Copied, left in Common Areas, given to wrong inmates, Trashed, Delayed And sometimes Placed in Prisoners Property Properly stored in shw beyond His-Her Reach All & more making Avenues of Availability to impede Prisoners Access to Courts, making the Process to be UNCONSTITUTIONAL AS Applied see Examples.

Case 0:20-cv-01116-JFA-PJG, The District Court S.C. order on 4-9-20 For Gorbey to Complete A battery of Court documents before it would Even Consider His Imminent Danger claims And Had to Complete the battery of documents While in the Adverse Conditions Complained About Within 21 days or suffer Dismissal, yet, F.Bop staff Withheld service of the order until 4-30-20. the same day the 21 days Expired. see Exhibit(2) Copy of Envelope listing Recieved At usp lewisburg (After) being Delayed by Both Estill & lewisburg staff. see Also. Case 1:19-cv-2394-RDB. order of Dismissal by md. Court Gorbey never Recieved, dated 3-20-20. And see Case No. 1:19-cv-220-RDB order Denying Reconsideration by md. Ct. mailed 4-27-20 And usp lewisburg staff sent Gorbey A Copy of the Envelope With (Blank) Pages inside. To impede timely Appeal that Gorbey Had to seek other Copies of & Consult Prison Electronic law libraries to Find out what Was issued. All (Proof) This F.Bop legal mail process is operating UNCONSTITUTIONALLY & subject Gorbey to 1st, 8th & 14th Amend. Rights violations & Imminent Dangers.

Claim (4) the F.Bop Failing To Keep Gorbey Safe And denying Him the Right to Self Defense in the Process of Failing to Keep Him Safe is UNCONSTITUTIONAL violating His 2nd, 5th, 8th & 14th Amendment Rights subjecting Him to Imminent Dangers.

Supporting Facts

As in recent years since 2017 Gorbey has been confronted with being subjected to attempts of serious assault or death by inmates while F.Bop staff fail or refuse to keep him safe. see.

- (a) inmate assault in Shu at USP Lee 2017.
- (c) inmate assault at USP Hazelton 2017.
- (d) inmate assault at FCI Cumberland 2019, Sep. 31.
- (e) inmate assault at FCI Estell. 3-16-2020, see.

Tsoie vs. Garrett 409 Appx 262 (2010)

Rodriguez 508 F.3d 616-17 (11th Cir. 2007)

F.Bop staff have an 8th Amendment obligation to keep prisoners safe!

However, F.Bop staff have repeatedly fail this duty being a pattern of misconducts evidencing the likelihood of serious physical injury or death. see.

Martin vs. Shelton (8th Cir. 2003)

Where, in this process of failing or refusing to keep Gorbey safe, the F.Bop has in turn (Refused) Gorbey the right to defend himself and has consistently (Punish) Gorbey for using his right to self defense under the 2nd Amendment & Confrontation clause even in threatfull confrontations, clearly, Abusing use of the inmate discipline process. Demanding that Gorbey must suffer the serious assault or death at the hands of other inmates, clearly, violating Gorbey's 2nd, 8th & 14th Amend. rights and subjecting Gorbey to clear imminent dangers. As long as he remains within the F.Bop at any

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level above a minimum level of security camp. Where inmates are serving or only have left to serve, relatively short sentences, 10 years or less, most of which program and work prison jobs and are more likely to not possess or use weapons or to seriously assault or kill other inmates. see. Smith vs. Crosby (11th Cir.) 61 Fed. App'x 670. and, clearly being an imminent danger threatening serious physical injury or death.

claim (5) F.Bop Policy is being ignored or disregarded UNCONSTITUTIONALLY, subjecting Gorbey to clear subhuman conditions and imminent dangers.

Supporting Facts

Where, as listed above in claims 1-4, F.Bop staff are constantly ignoring or disregarding their own policies & program statements that Hostile Courts disregard as internal mechanisms that DON'T ENVOKE A CONSTITUTIONAL RIGHT yet in so it is forcing prisoners to suffer many clear constitutional violations as (some) are listed above, and, therefore, must at some point invoke a constitutional right. For instance, the F.Bop Administrative Remedy Process, allegedly not being a constitutional right, yet, its exhaustion is a jurisdictional pre-requisite to court filing under 42 USC § 1997e(a) enabling F.Bop staff to violate their own policies regarding that remedy process & to impede prisoner access to courts & therefore triggering a constitutional right to

Remedy Access And Availability of Exhaustion see.

Ross & King vs. Doval et al 10 Fed 51.13 Petters 45.

Due Process - Equal Protection of law, the minimum requirement of due process, fair process or equal protection of law both substantive & procedurally are defined by the due process & equal protection clauses and not by state law or F.Bop Policy see. Cleveland Bd of Education vs. Loudermill 470 U.S. 532 (1981)

claim (6) The F.Bop urine analysis Drug Field Tests are being UNCONSTITUTIONALLY CONDUCTED violating Gorbey's Rights and subjecting him to Prejudices.

Supporting Facts

The F.Bop urine analysis Drug Field Test is conducted by having the prisoner provide a sample of urine in a test cup & then requires him/her to sign the test application and initial part A the cup seal strip. yet, F.Bop staff are prejudicially demanding that prisoners immediately initial (both) part A and part B the cup seal strips.

Where part B is designed to only be signed or initial (if) in any event part A seal is broken, so as to provide a new seal, but signing both allows staff availability to tamper with the urine sample given and to produce false or manipulated results.

Where, once a sample is given, staff use the part A seal to seal the cup (in the inmates presence) & should for any reason seal A be broken, staff would (then) have the inmate sign part B seal, and then use it to seal the sample (in the inmates presence) yet,

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F.Bop staff are now demanding prisoners initial both Part A and Part B seals and then take the sample away allowing opportunity to remove the Part A seal. Tamper with the sample & then use the Part B seal & claim it was done in the inmates presence subjecting us to Discipline Actions and therefore violating our rights because they are unconstitutionally conducting urine analysis tests.

I Gorbey hereby also seek relief for any other claims of right or violations of law that are not specifically stated but could be reasonably assumed from the facts of this suit unless otherwise rejected or denied by me personally.

IMMINENT Dangers Presently Suffer

- (1) I Gorbey suffer abuse of discipline process and threats of further inmate assaults, serious physical injuries or death from those assaults as long as I remain in F.Bop custody in any level above minimum camp security, where assaults are less likely to occur.
- (2) I suffer denial of proper - timely glaucoma treatment 60% damage to L-eye & 20% to R-eye threatening blindness. Note Gorbey had a medical "hold" in South Carolina pending laser eye surgery & yet, was error ship to Pennsylvania on 4-17-20 where he must start all over with his complaints & evaluations to (attempt) to receive treatment while he suffers further injuries & pains to his eyes & threats of blindness. Even (after) Gorbey properly - timely notify appropriate Bop staff about his medical "hold".
- (3) Gorbey is still forced to top bunks and is suffering

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Falls & untreated physical injuries as his chronic injuries R-shoulder, R-wrist, R-knee & L-ankle will NOT support his weight. & He is medically designated to not lift ~~over~~ over 25 lbs. subjecting him to falls & further threats of serious physical injuries or death in cells composed of concrete & steel.

- (4) USP Lewisburg does not have in cell egress buttons leaving Gorbey in a confined small some 30 square foot movable space with another inmate that could obtain animosities and assault Gorbey or Gorbey with his hypoglycemia, hypertension & high blood pressure could suffer stroke or heart attack and have (no way) to alert staff or to seek assistance, being a clear imminent danger.
- (5) USP Lewisburg cells are cover with 1930's - 1940's lead paint that is peeling & chipping into Gorbey's food, drink, hair & breathing, causing direct exposure & known to cause serious sickness or death, being an imminent danger.
- (6) USP Lewisburg cells have a rusty, 1930's high pressure hot water boiler type steam pipe that could burst at any time & cause serious physical injuries or death, being a clear imminent danger.
- (7) USP Lewisburg G-unit cells where Gorbey is held have large, high watt, spot light bulbs meant to light outdoor areas that are excessive lighting and threatening to blind Gorbey especially so concerning with his glaucoma issues
- (8) Gorbey is denied remedy access for any of these issues

SERIOUS PHYSICAL INJURIES.Page ~~21~~ of 23
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UNITED STATES VS. CALZADA-ORTEGA (1-10-14) 551 Fed Appx 790
INJURIES THAT INVOLVE SERIOUS RISK OF DEATH OR
CAUSE SERIOUS PERMANENT DISFIGUREMENT OR
PERMANENT OR PROTRACTED LOSS OF A BODILY FUNCTION
- ORGAN OR SIGNIFICANT PHYSICAL PAIN OR MENTAL
OR SENSORY FACULTY DYSFUNCTION see.

EDDY VS. PATE (6-24-11) U.S. DIST. LEX. 107820

BATTLE VS. UNITED STATES (4-26-18) U.S. DIST. LEX. 70874

UNITED STATES VS. EDMUNDSON (12-29-15) 153 Fsupp 3d 857

TEMPORAL CONSTRAINTS

ASEMANI VS. U.S. CITIZ. & IMM. SERV. 797 F.3d. 1069
(D.C. CIR 2015)

WHEN CONSIDERING AN IMMINENT DANGER CLAIM
A COURT IS REQUIRED ONLY TO LOOK AT THE PRISONERS
FILINGS AT THE TIME HE FILES HIS COMPLAINT WHICH
CLAIMS ARE TO BE LIBERALLY CONSTRUED IN THE
PRISONERS FAVOR AND ACCEPTED AS TRUE. Id ~~at~~
MITCHELL 587 F.3d. at 421 and Id at 420. see.

TEMPORAL CONSTRAINTS PLACED ON D.C. COURTS
ON THE FACTS THAT CAN BE CONSIDERED IN EVALUATING
PRISONER IMMINENT DANGER CLAIMS see.

ASEMANI 797 F.3d. at 1074 see.

PINSON VS. U.S. DEPT. OF JUSTICE 18-5331 D.C. CIR.

GORBIE VS. UNITED STATES 18-5325 D.C. CIR.

see AMICUS BRIEF AT PAGES 30-31 ARGUING THAT
GORBIE NEED ONLY MAKE A "PLAUSIBLE ALLEGATION"
IN ANY DOCUMENT THAT (COULD BE) AN ONGOING
DANGER AT THE TIME OF FILING (CITING)

WILLIAMS 725 F.3d at 1189.

Relief soughtPage ~~22~~ of ~~22~~
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- (1) I demand \$9,500,000.00 Cash.
- (2) I seek INJUNCTIVE Relief To Have the F.Bop inmate Discipline Process Reformed To be more Constitutionally Applied
- (3) I seek INJUNCTIVE Relief To Have the F.Bop inmate Administrative Remedy Process To be Reformed To be more Constitutionally Applied so As To Provide Availability To Cure sub Human. Conditions, Imminent Dangers & Misconducts by Prison Staff, in more Proper Timely Fashion & To Adequately & Timely Allow Prisoner Exhaustion.
- (4) I seek INJUNCTION Relief To Have the F.Bop inmate legal mail Process Reformed so As To be more Constitutional For Prisoners preserving their Privacy legal Rights & Access To Courts. To Help Prevent & Cure Imminent Dangers. And/or sub Human Conditions
- (5) I demand the F.Bop be made To Keep me safe, Allow me the Right To self defence in Events of ANY CONFRONTATION (Especially where staff Fail or Refuse To Keep me safe.) Without threat of Disciplinary Action. or imminent Dangers. or To be immediately Transfer To A minimum level Facility Camp. Where I Can Freely Work & Program or Transfer me back To D.C. Jail For the Rest of my sentence or To Release me From Custody.
- (6) I seek To Have All F.Bop staff To Follow their own Policies & Program statements. so As To Prevent Rights violations. sub Human Conditions & Imminent Dangers. or be subject To Civil Damages. Constitutionally.
- (7) I demand all my good time Having been Error

taken in all or any UNCONSTITUTIONAL FBOP
 Discipline Process or Denied Return through all
 or any UNCONSTITUTIONAL Remedy Complaint
 or Appeal to be immediately return to me
 And all Reports absprunged see 147 days good time
 As well as Compensation for all of the Discipline
 Sanctions I served For UNCONSTITUTIONAL FBOP
 Discipline Action and or any & all I've been or
 Am actually INNOCENT of or legally INNOCENT of.

(chief) michael S. owl Feather - Gorbey
 33405-013

Certificate of service

I Gorbey certify that on 4-29-20 I
 sent a copy of this suit & all Exhibits or
 Attachments by 1st class US mail to.

U.S. Attorney Office, U.S. DOJ, 950 PA Ave. NW.
 Washington D.C. 20530 & 555, 4th. NW. D.C. 20530.

(chief) owl Feather - Gorbey 33405-013

Declaration of mailing §1746 & §1621

I Gorbey declare that on 4-29-20 I deposited
 this Pleading in the USP Lewisburg G-unit internal
 legal mail system by 1st class US mail Postage Attached.

(chief) michael S. owl Feather - Gorbey
 33405-013

USP Lewisburg PO Box 1000
 Lewisburg, PA. 17832.

Declaration under Penalty of Perjury

I owl Feather-Gorbey declare that the Facts Here
Are True & Correct to the best of my Knowledge.
28 USC § 1746 & 18 USC § 1621

(chief) michael S. owl Feather-Gorbey
33405-013 USP Lewisburg P.A.

- (1) I Gorbey declare that the F.Bop legal mail system is operating unconstitutionally as when Prisons fail to treat court mail as legal it allows Prison staff a list of avenues in which to impede court access forcing me to suffer subhuman conditions, serious or other physical injuries & threats of death.
- (2) I Gorbey declare also that the F.Bop Discipline Process is operating in arbitrary, capricious, discriminatory & retaliatory manners and is being used to cover up inmate assaults against me, posing a significant threat to my safety, & being abused against me.
- (3) I Gorbey declare as well that F.Bop staff are in fact deliberately repeatedly (failing or refusing) to keep me safe while at the same time, denying me the right to self defense and therefore posing a significant threat to my safety while they cause, arrange and/or allow inmate assaults upon me. Repeatedly since 2016 and I have suffer serious physical injuries to my head face shoulder & leg from it several times (without) being provided medical treatments.

(chief) michael S. owl Feather-Gorbey
33405-013 USP Lewisburg P.A.

Affidavit

Page 1 of 1

Declaration under Penalty of Perjury

I Gorbey declare that the Facts Here are True &
 Correct to the best of my knowledge
28 USC § 1746 & 18 USC § 1621

(Chief) Michael S. Owl Feather - Gorbey
 33405-013

ON 5-8-20 I confronted unit manager Rekowski on my
 G-unit 116 cell door, I handed him a completed Bp9
 Explaining that Counselor marr was withholding the
 Bp8 well over 5 work days to impede formal filing of this
 Bp9 (on marr) abusing use of the Bp8 informal process (to)
 impede formal filing ① by only issuing 1 Bp8 at a time
 forcing us to delay addressing or to forgo some complaints
 when several exist & only 1 can be address ② delaying or
 not at all processing Bp8's to impede formal filing, see
 Bp8 on marr submitted 4-29-20, still not answer
 today 8 work days later. Where unit manager
 Rekowski slid my Bp9 back under my cell door telling
 me (he) did not care that it was a staff misconduct
 complaint, only 1 Bp8 will be given at a time & if or
 until they decide to respond to that Bp8. No Bp9 would
 be filed. And when I clearly told Rekowski he & marr
 cannot use the Bp8 informal process to impede formal
 filing. Rekowski smartly stated that I would soon
 find out that they did things differently here at usp
 Lewisburg & walked off clearly impeding my formal
 remedy access while I suffer a list of imminent
 dangers & A-W Brickard & Warden spaulding allow this
 behaviors (Chief) Michael S. Owl Feather - Gorbey 33405-013

Declaration under Penalty of Perjury

I, DW Feather-Gorbey declare that the Facts Here
Are True & Correct to the best of my Knowledge.
28 USC § 1746 AND 18 USC § 1621

(Chief) Michael S. DW Feather-Gorbey
33405-013

I Gorbey declare that the F.Bop Administrative Remedy
Process is operating UNCONSTITUTIONALLY. And that the
Bp8 Informal Filing Process is often often being
used in Error by staff to impede Formal Filing. By Denying
inmates Adequate Amounts of Bp8 Forms At one time to
Proper-Timely Address All their issues. And by NOT Timely
Responding to Bp8's. openly impeding Formal Filing. in any
Timely manner And. in most cases. No informal Attempts
are made by staff to informally resolve a Bp8. staff
simply (if ever at all) provide a lame response that in
most cases mirrors the responses the inmate has already
received in regards to his/her complaint & for which a
Bp8 is being filed for. so, most often AS NO informal
Resolution Attempt is made by staff. (consulting with
the inmate to attempt a compromiseable Resolution agreeable
to both parties in a timely 5 work day fashion) the informal
Bp8 Process is NOT serving its intended purpose AS
Applied And is (only) causing Prisoners Prejudicial
delays & often permanent impeding of Formal Filing
& Required Exhaustion under 42 USC § 1997e(a) violating
Prisoners Rights to Access to Exhaustion & the Courts.

(Chief) Michael S. DW Feather-Gorbey
33405-013 vspr Lewisburg PA.